

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN SHOLL, II,
Petitioner,
v.
MATTHEW ATCHLEY, Warden,
Respondent.

No. 2:21-cv-00064 KJM GGH P

ORDER

On October 21, 2021, the court issued an order to show cause based on petitioner's failure to file a timely opposition, or statement of non-opposition, to respondent's Motion to Dismiss. ECF No. 20. Petitioner has now filed a document entitled "Prospective Relief," a purported Second Amended petition, and a purported Motion to Strike, ECF Nos. 21, 22 and 23, respectively. None of these filings address the Motion to Dismiss, ECF No. 17, which was the subject of this court's order to show cause. The filings are simply a myriad of conclusions as to why petitioner's conviction should not stand.

////

////

////

////

////

There is no point to ordering further filings regarding the pending Motion to Dismiss. Accordingly, the Motion to Dismiss (ECF No. 17) will be taken under submission at this time. Should the state courts render a final decision in petitioner's case before any court findings are made on the Motion to Dismiss, respondent shall notify the court.

IT IS SO ORDERED.

Dated: December 2, 2021

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE